IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 12284 of 2007(K)

PETITIONER:

M/S.MERCY TOURIST HOME, M.G.ROAD,
ERNAKULAM, REPRESENTED BY ITS MANAGING PARTNER,
SRI.K.KURIAKOSE.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

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1. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM.

2. THE ASST. EXCISE COMMISSIONER,
ERNAKULAM.

3. THE CIRCLE INSPECTOR OF EXCISE,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI. I.V. PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.12284 OF 2007

DATED THIS THE 10th DAY OF APRIL, 2007

JUDGMENT

The petitioner has applied for shifting of his FL-3 licence from the present building to a proposed building within the same town which according to the petitioner is permissible under Rule 24 of the Foreign Liquor Rules. The petitioner's grievance is that although he understands that the application is recommended by the lower authorities, respondents 2 and 3, the 1st respondent is not passing orders on Ext.P1. The petitioner therefore seeks a direction to the 1st respondent to consider and pass appropriate orders on Ext.P1 expeditiously.

2. I have heard the learned counsel for the petitioner as also the learned Government pleader. In the facts and circumstances of the case, there would be a direction to the 1st respondent to consider and pass appropriate orders in accordance with law on Ext.P1 as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. I make it clear that I have not considered the matter on merits regarding the eligibility of the petitioner for such shifting of licence and it is entirely for the 1st

respondent to decide the matter in accordance with law.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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